

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

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UNITED STATES OF AMERICA,Magistrate Case No. 08 MJ 06 11
SOUTHERN DISTRICT OF CALIFORNIA

Plaintiff,

v.

Jose Luis LOPEZ-Jimenez**Aka: Jose FLORES-Peraza**

Defendant.

COMPLAINT FOR VIOLATION OF:
DEPUTYTitle 8, U.S.C., Section 1326 -
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about, **February 24, 2008**, within the Southern District of California, defendant, **Jose Luis LOPEZ-Jimenez aka: Jose FLORES-Peraza**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

Lisette Guzman, Deportation Officer

U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **29th** DAY OF **FEBRUARY** **2008.**

UNITED STATES MAGISTRATE JUDGE

FAS

PROBABLE CAUSE STATEMENT

On February 24, 2008, the defendant identified as "**Jose Luis JIMENEZ**" was arrested by the San Diego Police Department for violations of section 422 of the California Penal Code, "Threat Crime Cause Death/GBI" and for 594(B)(1) California Penal Code, "Vandalism" and was booked into county jail. An Immigration Enforcement Agent determined the defendant to be a citizen of Mexico and placed an Immigration Detainer pending his release from county jail.

On February 28, 2008, the defendant was referred to United States Immigration and Customs Enforcement (ICE) custody. A Deportation Officer conducted computer database record checks and reviewed various sources of information confirming the defendant to be a citizen of Mexico. Further, having been deported or removed from the United States.

A thorough review of immigration computer database checks revealed the defendant was most recently ordered deported from the United States by an Immigration Judge on or about June 2, 1995, and most recently removed to Mexico on or about June 3, 1995 via the San Ysidro, California Port of Entry. The Automated Biometric Fingerprint Identification System (IDENT) and Automated Fingerprint identification System (IAFIS) were utilized and compared with the defendant's fingerprints. The results confirmed the defendant's identity as Jose Luis LOPEZ-Jimenez with various aliases including Jose FLORES-Peraza, a citizen and national of Mexico previously deported from the United States to Mexico. Further records indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

Defendant was advised of his Miranda rights and agreed to answer questions without counsel present. Defendant was interviewed and the following statements were obtained: Defendant admitted his true and correct name to be Jose Luis LOPEZ-Jimenez. Defendant further admitted to having used the name of Jose FLORES-Peraza. Defendant admitted he was a citizen and native of Mexico by birth in Michoacan, Mexico. Defendant admitted he has no legal right to enter into the United States. Furthermore, defendant admitted that he had been ordered removed by an Immigration Judge and he has not obtained permission to re-enter the United States.